IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
WRIT PETITION NO : 18593 of 1994

Between:
Smt. Rama Devi w/o Sri Bhoopat Rai
M/s Impressions Outdoor Advertising, 5-1-867, Kothi, Hyderabad.
..... PETITIONER

AND

Municipal Corporation of Hyderabad, Rep. by Additional Commissioner (General), M.C.H. Advertising Section,
Tank Bund Road, Hyderabad.
.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, in the nature of mandamus or otherwise, declaring that the impugned proceedings of the respondent bearing No.49/Advt/A2/94 dated 3.10.1994 are wholly illegal, arbitrary and *ultra vires* the powers of the respondent under the H.M.C. Act, and consequently quash the same.

Advocate for the Petitioner: MR.VILAS V.AFZULPURKAR

For the Respondent No.: MR.Ghanta Rama Rao, S.C.for Municipal Corporation of Hyderabad.

The Court made the following :

O R D E R :

As per the allegations made in the petition, respondent granted permission to petitioner to erect hoardings on the basis of the petitioner's application dated

22.12.1993 at the sites in question, vide proceedings dated 18.5.1994. The permission was valid till 31.3.1995. According to the petitioner, he has been complying with the rules and regulations and erected hoardings as per the permission granted, but the impugned proceedings were issued on 3.10.1994, received by the petitioner on 7.10.1994, straight away cancelling the permission and requiring the petitioner to remove the hoardings in three days. This Writ Petition was filed questioning the said proceedings. The petitioner obtained interim order which remained in force till today.

During the pendency of the Writ Petition, even the validity period for which permission was granted has come to an end, rather as of today, more than 9 years have lapsed after expiry of the validity period of permission. As such, the relief prayed for in the Writ Petition can not be granted to the writ petitioner since the alleged illegal act of the respondent was suspended by the Court and the petitioner could have continued displaying the posters and hoardings at the most till 31.3.1995 and not beyond that. In case the petitioner has continued thereafter under the interim orders of the court, it will be for the respondent to regularize the same on acceptance of usual licence fee. But, there is no ground to extend the period.

The Writ Petition stands disposed of.

24.06.2004

CC to

1)The Additional Commissioner (general), M.C.H.Advertising section, Municipal Corporation of Hyderabad, Tank Bund road, Hyderabad.

2) Two CD copies

DRK/TVR.